

108TH CONGRESS
1ST SESSION

S. 1158

To exempt bookstores and libraries from orders requiring the production of tangible things for foreign intelligence investigations, and to exempt libraries from counterintelligence access to certain records, ensuring that libraries and bookstores are subjected to the regular system of court-ordered warrants.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2003

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To exempt bookstores and libraries from orders requiring the production of tangible things for foreign intelligence investigations, and to exempt libraries from counterintelligence access to certain records, ensuring that libraries and bookstores are subjected to the regular system of court-ordered warrants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Library and Bookseller
5 Protection Act”.

1 **SEC. 2. EXEMPTION OF BOOKSTORES AND LIBRARIES**
2 **FROM ORDERS REQUIRING PRODUCTION OF**
3 **TANGIBLE THINGS FOR FOREIGN INTEL-**
4 **LIGENCE INVESTIGATIONS.**

5 Section 501 of the Foreign Intelligence Surveillance
6 Act of 1978 (50 U.S.C. 1861) is amended by adding at
7 the end the following new subsection:

8 “(f)(1) No application may be made under this sec-
9 tion having the purpose or effect of searching for, or seiz-
10 ing from, a bookseller or library documentary materials
11 that contain personally identifiable information concerning
12 a patron of such bookseller or library.

13 “(2) Nothing in this subsection shall be construed as
14 precluding a physical search for documentary materials re-
15 ferred to in paragraph (1) under other provisions of law,
16 including under section 303.

17 “(3) In this subsection:

18 “(A) The term ‘bookseller’ means any person or
19 entity engaged in the sale, rental, or delivery of
20 books, journals, magazines, or other similar forms of
21 communication in print or digitally.

22 “(B) The term ‘library’ has the meaning given
23 that term under section 213(2) of the Library Serv-
24 ices and Technology Act (20 U.S.C. 9122(2)) whose
25 services include access to the Internet, books, jour-
26 nals, magazines, newspapers, or other similar forms

1 of communication in print or digitally to patrons for
 2 their use, review, examination, or circulation.

3 “(C) The term ‘patron’ means any purchaser,
 4 renter, borrower, user, or subscriber of goods or
 5 services from a library or bookseller.

6 “(D) The term ‘documentary materials’ means
 7 any document, tape, or other communication created
 8 by a bookseller or library in connection with print or
 9 digital dissemination of a book, journal, magazine,
 10 newspaper, or other similar form of communication,
 11 including access to the Internet.

12 “(E) The term ‘personally identifiable informa-
 13 tion’ includes information that identifies a person as
 14 having used, requested, or obtained specific reading
 15 materials or services from a bookseller or library.”.

16 **SEC. 3. EXCLUSION OF LIBRARIES FROM AUTHORITIES ON**
 17 **ACCESS TO TELEPHONE AND TRANS-**
 18 **ACTIONAL RECORDS FOR COUNTERINTEL-**
 19 **LIGENCE PURPOSES.**

20 Section 2709 of title 18, United States Code, is
 21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “(1)” before “A wire or
 24 electronic communication service provider”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(2) A library shall not be treated as a wire or elec-
4 tronic communication service provider for purposes of this
5 section.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(f) DEFINITION.—In this section, the term ‘library’
9 has the meaning given that term under section 213(2) of
10 the Library Services and Technology Act (20 U.S.C.
11 9122(2)) whose services include access to the Internet,
12 books, journals, magazines, newspapers, or other similar
13 forms of communication in print or digitally to patrons
14 for their use, review, examination, or circulation.”.

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